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Senate

The Senate met at 3 p.m. and was called to order by the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, help our lawmakers to honor Your Name. Demonstrate Your great power by filling them with Your Spirit and giving them a desire to cultivate spiritual discernment.

Lord, sustain them through the power of Your prevailing providence until justice rolls down like waters and righteousness like a mighty stream. As our Senators draw near to You, experiencing Your divine guidance, may they be motivated to follow Your precepts as they face difficult decisions.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAZIE K. HIRONO, a

Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. HIRONO thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Todd Sunhwae Kim, of the District of Columbia, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. The majority whip.

NOMINATION OF TODD SUNHWAE KIM

Mr. DURBIN. Madam President, this week, the Senate will consider the nomination of Todd Kim to be Assistant Attorney General for the Justice Department's Environment and Natural Resources Division, known as ENRD. This Division acts as our Nation's environmental law firm. It leads efforts to reduce pollution and protect our Nation's precious national resources by enforcing Federal, civil, and criminal environmental laws, including the Clean Air Act, the Clean Water Act, and hazardous waste laws. At least that is what it is designed to do.

Under the previous President, Donald Trump, ENRD took some troubling steps in the wrong direction. It prioritized protecting polluters over the environment.

With more than 1½ million acres of the United States currently burning in a wildfire season that has been greatly exacerbated by climate change, we are mindful of the critical importance of vigorous enforcement of our Nation's environmental laws.

What the Division needs now is a leader who will bring back integrity, expertise, and a renewed commitment to enforcing our Nation's environmental and natural resources law. Mr. Kim is that leader. In fact, his career in environmental law began at ENRD, where he worked as a trial attorney. During his time with the Division, he was awarded the Justice Department's Outstanding Performance Award on three separate occasions. As a trial lawyer there, he spent 8 years representing the United States zealously and apolitically under both the Clinton and Bush administrations.

Mr. Kim's principled leadership in that role has earned him praise across the ideological spectrum. He has the strong support of former ENRD officials from both parties. Over 80 environmental law experts and academics, who often don't agree on many things, all believe he is the right person. They wrote: "ENRD deserves one of the nation's best lawyers at its helm. Todd Kim promises to be just such a leader."

Mr. Kim also has experience leading a large legal department. He served as the District of Columbia's first solicitor general, a role he held for over a decade.

Additionally, Mr. Kim has received support from Asian-American organizations, including Asian Americans Advancing Justice and the National Asian Pacific American Bar Association.

His nomination received strong, bipartisan support on our committee. Four of my Republican colleagues—

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Senators GRASSLEY, GRAHAM, CORNYN, and TILLIS—joined the Democratic members in advancing his nomination.

With Mr. Kim leading the ENRD, the American people can trust our Nation's public lands and natural resources will be protected by a proven expert and an accomplished lawyer. I urge my colleagues to join me in voting in favor of his nomination.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

INFRASTRUCTURE

Mr. SCHUMER. Madam President, now for years, Republicans and Democrats have spoken about the need to invest more in our Nation's infrastructure. We are a country the size of a continent. Every State has critical infrastructure demands, bridges that need repair, railways that need maintenance, sewer systems that desperately need expansion and renovation.

Over a month ago now, a bipartisan group of Senators announced a deal with the White House on a framework for a bipartisan infrastructure bill—a breakthrough moment. Ever since, I have committed both publicly and privately to put that bill on the Senate floor.

Unfortunately, last week, our Republican colleagues prevented the Senate from taking a procedural step to begin the debate. But I want to be very clear. I am fully committed to passing a bipartisan infrastructure bill.

As majority leader, I have the ability to move to reconsider the vote to begin debate on that bill this week. Since Senators are still finalizing the text of the agreement, Senators should be on notice that the Senate may stay in session through the weekend in order to finish the bill.

Let me say that again. Senators should be on notice that the Senate may stay in session through the weekend in order to finish the bipartisan infrastructure bill.

As I have said before, further delays may mean that the Senate will remain in session into the previously scheduled August recess.

We have reached a critical moment. The bipartisan group of Senators has had nearly 5 weeks of negotiations since they first announced an agreement with President Biden. It is time for everyone to get to "yes" and produce an outcome for the American people.

I understand that bipartisan achievements are difficult in our polarized times. Extreme partisans are always rooting for failure. Look no further than the former President.

Just this morning, former President Trump released a statement urging Republicans to retreat from all bipartisan negotiations on infrastructure until after the midterm elections in 2022, maybe longer. Again, the former President said this morning that Republicans are "weak fools and losers"—his words—for even talking to Democrats

and suggested that the Republicans should not negotiate at all unless they are in the majority. FOX News personalities, following his lead, are now encouraging primaries for Republican Senators who support a bipartisan infrastructure deal.

Look, there are always going to be radical voices on the far right who brook no compromise, but that is only a recipe for obstruction and gridlock. We have the opportunity right now to actually accomplish something good for the American people.

Will our Republican colleagues follow the absurd demands of the disgraced former President and his media allies, or will they get a good, bipartisan deal over the finish line? Republican Senators must ignore former President Trump if we are ever going to make progress with the American people. He is rooting for our entire political system to fail. I and the rest of my Democratic colleagues are rooting for a deal.

NOMINATIONS

Madam President, now on nominations, the Senate will not remain idle in the meantime. This week, we will consider several highly qualified nominees to the Biden administration. Tonight, the Senate will invoke cloture on Todd Kim—someone the Senator from Illinois has just spoken about—to serve as the Assistant Attorney General and the head of the Environment and Natural Resources Division of the Justice Department, where he worked as a lawyer for nearly 8 years.

The son of Korean immigrants, Mr. Kim fell in love with America's natural treasures at a young age, when his parents took him on an RV trip across the American West. After tonight, he will be in a position to defend those very treasures by making sure our environmental laws are enforced, our Federal lands are maintained, and our relationship with Native Tribes is respected.

I look forward to confirming his nomination.

Senators should also be aware there may be additional votes on nominations this week, including members of the National Labor Relations Board and potentially votes to advance nominees from our Senate committees.

The Senate has a constitutional duty to advise and consent on Presidential appointments. We will continue that important work this week.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. I ask unanimous consent to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INFRASTRUCTURE

Mr. DURBIN. Madam President, I want to back up what the majority leader said. The day was May 22, 2019. I remember it well. Two things happened that morning. First was the birth of my granddaughter, which was an exciting and happy event. The second was just the opposite. It was a meeting in

the White House with President Donald Trump, and the purpose of the meeting was to discuss infrastructure.

You see, we had an earlier meeting. Democrats met with the leaders of the Trump administration to discuss an infrastructure bill. When we suggested \$1.5 trillion be spent on infrastructure. President Trump said: No, make it \$2 trillion.

Well, we were happy to hear that. Then when we suggested that President Trump's earlier suggestion of 80 percent of it being paid on a State and local basis rather than Federal, he reversed himself. He said it will be 80 percent Federal. More good news.

Then came the suggestion: Well, it shouldn't just be horizontal infrastructure. It ought to be vertical infrastructure—broadband, school buildings, things that we desperately need in America.

And he said: Include them; let's make that part of the package.

It was one of the best meetings.

Then came the subject of how we were going to pay for it, and President Donald Trump said: Stop. I am not going to get into that conversation.

Well, we said: Mr. President, we have agreed on what we are going to do, but we have to pay for it.

He said: No, you are not going to trap me with raising taxes or doing things that are politically unpopular.

So we postponed this follow-up meeting to this May 22 date—May 22, 2019. We were anxious to get it done because, during his Presidency, there had been no infrastructure programs—none, nothing—despite his promises to the contrary during the campaign.

We came back May 22. He walked in the room and he said to all of us assembled there: As long as you are investigating me for any reason, there will be no infrastructure bill.

He wheeled around and walked out. That was the end of the conversation about infrastructure in the Trump administration. It was never seriously considered or debated after that.

Now we are engaged in a new exercise. Some Republican Senators—and I thank them for their courage and initiative—want to sit down with Democrats and see if we can finally, after years and years, come up with an infrastructure bill to rebuild America.

They are under pressure. They are under pressure from Senator MCCONNELL. He didn't want them to engage in this kind of bipartisan negotiation. And now, today, former President Trump has joined the chorus, saying they shouldn't bargain at all with Democrats. Put it off another year, 2 years, whatever it has to be, until the Republicans control the whole process. That is a recipe for achieving little or nothing. We know that.

So I sincerely hope that this week will be a breakthrough week. Senator SCHUMER, the Democratic majority leader, tried to get it started last week with a simple procedural vote that would move us to this conversation,